

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 95 1214-F

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1:

A 3.44 ACRE TRACT OF LAND OUT OF CITY OF AUSTIN OUTLOT NO. 43, DIVISION "B", FOSTER-LUDLOW & CO. SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT, "MF-3" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT, "CS" GENERAL COMMERCIAL SERVICES DISTRICT, AND "CS-1" COMMERCIAL-LIQUOR SALES DISTRICT TO "CH-CO" COMMERCIAL HIGHWAY SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2:

A 0.85 ACRE TRACT AND A 0.43 ACRE TRACT OF LAND OUT OF CITY OF AUSTIN OUTLOT NO. 43, DIVISION "B", FOSTER-LUDLOW & CO SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT, "MF-3" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT, "CS" GENERAL COMMERCIAL SERVICES DISTRICT, AND "CS-1" COMMERCIAL-LIQUOR SALES DISTRICT TO "CH-CO" COMMERCIAL HIGHWAY SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY LOCATED AT THE INTERSECTION OF EAST MARTIN LUTHER KING BOULEVARD AND NORTH INTERSTATE HIGHWAY-35 (NORTHBOUND SERVICE ROAD), AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-95-0113, as follows:

Tract 1: From "SF-3" Family Residence district, "MF-3" Multifamily Residence (Medium Density) district, "CS" General Commercial Services district, and "CS-1" Commercial-Liquor Sales district, to "CH-CO" Commercial Highway Services district-Conditional Overlay combining district.

A 3.44 acre tract of land out of City of Austin Outlot No. 43, Division "B", Foster-Ludlow & Co. Subdivision, said 3.44 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached hereto and incorporated herein for all purposes.

Tract 2: From "SF-3" Family Residence district, "MF-3" Multifamily Residence (Medium Density) district, "CS" General Commercial Services district, and "CS-1" Commercial-Liquor Sales district, to "CH-CO" Commercial Highway Services district-Conditional Overlay combining district.

A parcel of land consisting of two tracts, (a) 0.85 acres of land and (b) 0.43 acres of land, both tracts being out of City of Austin Outlot No. 43, Division "B", Foster-Ludlow & Co. Subdivision, said tracts of land being more particularly described by metes and bounds in Exhibits "C" and "D", respectively, attached hereto and incorporated herein for all purposes,

*[hereinafter referred to as the "Property"]*

locally known as the Property located at the intersection of East Martin Luther King Boulevard and North Interstate Highway-35 (Northbound Service Road), as more particularly identified in the map attached as "Exhibit A" to this ordinance, in the City of Austin, Travis County, Texas.

**PART 2.** That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses shall be prohibited on the Property:

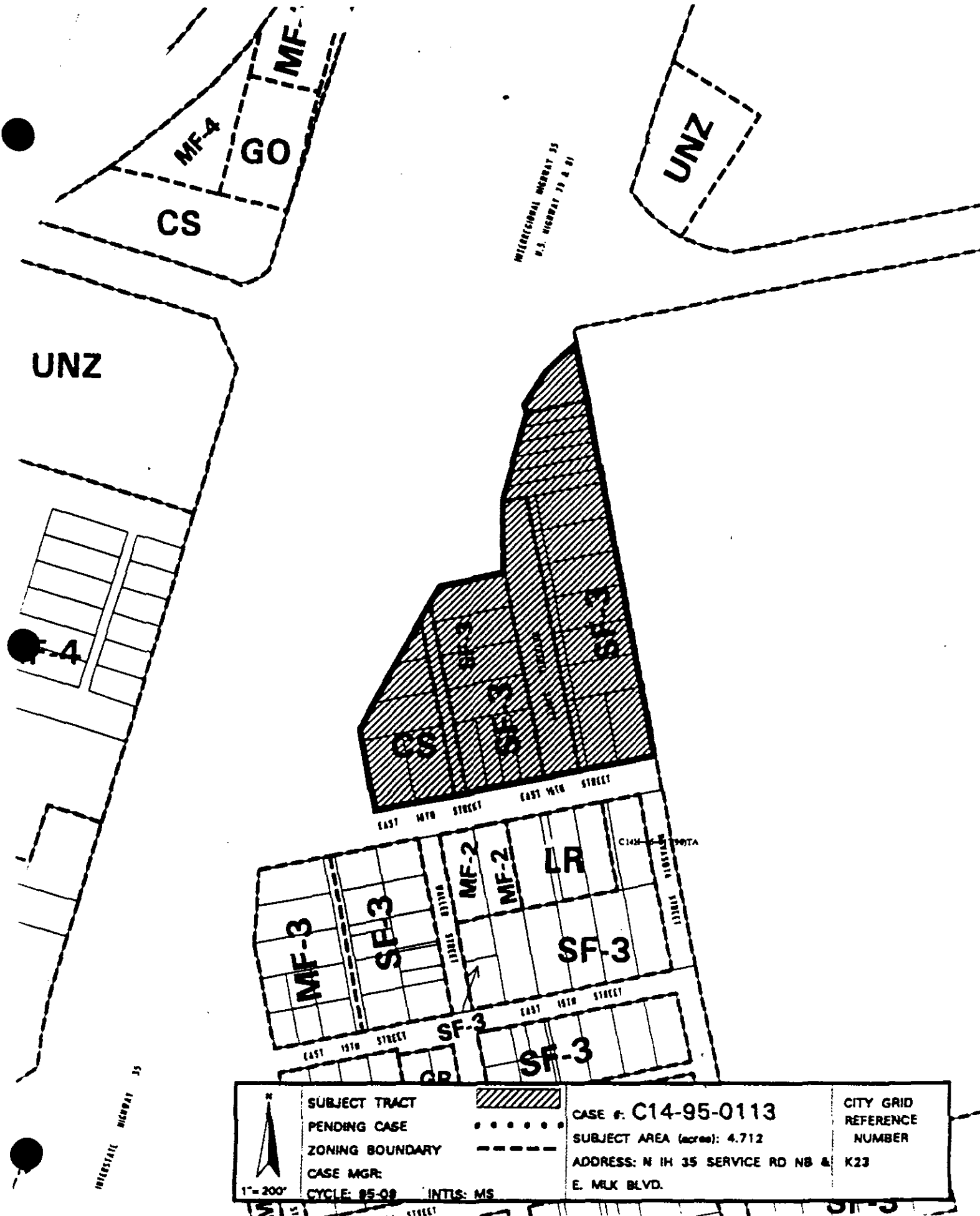
- |   |                                       |
|---|---------------------------------------|
| (a) Agricultural Sales and Services,        | (v) General Retail Services           |
| (b) Automotive Rentals,                     | (convenience),                        |
| (c) Automotive Repair Services,             | (w) Kennels,                          |
| (d) Automotive Sales,                       | (x) Liquor Sales,                     |
| (e) Automotive Washing (All types)          | (y) Laundry Services,                 |
| (f) Campground,                             | (z) Monument Retail Sales,            |
| (g) Cocktail Lounge,                        | (aa) Outdoor Entertainment,           |
| (h) Commercial Blood Plasma Center,         | (conditional),                        |
| (i) Pawn Shop,                              | (bb) Transportation Terminal,         |
| (j) Commercial Off-Street Parking,          | (cc) Vehicle Storage,                 |
| (k) Construction Sales and Services,        | (dd) Limited Warehousing and          |
| (l) Convenience Storage,                    | Distribution,                         |
| (m) Drop-Off Recycling Collection Facility, | (ee) Pet Services,                    |
| (n) Electronic Prototype Assembly,          | (ff) Restaurant (Drive-in, Fast Food) |
| (o) Equipment Repair Services,              | (gg) Service Station,                 |
| (p) Equipment Sales,                        | (hh) Custom Manufacturing,            |
| (q) Exterminating Services,                 | (ii) Hospital Services (general),     |
| (r) Funeral Services,                       | (jj) Local Utility Services, and      |
| (s) Communication Services,                 | (kk) Maintenance and Service          |
| (t) Off-Site Accessory Parking,             | Facilities.                           |
| (u) Safety Services,                        |                                       |

2. No structure of any kind shall be built to a height greater than 60 feet on Tract 1.
3. Development of Tract 1 shall be restricted to a maximum building coverage of 75%.
4. Development of Tract 1 shall be restricted to a maximum floor to area ratio of 1 to 1.
5. As to Tract 1, vehicular access from the Property onto East 16th Street shall be restricted to one driveway approach providing only emergency vehicular access from East 16th Street to the Property. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
6. As to Tract 1, except for improvements relating to the construction of the emergency driveway approach as set forth in this ordinance, owner shall construct and maintain an undisturbed vegetative buffer 5 feet wide along the southern property line of the Property, being adjacent to the East 16th Street.
7. Residential development of the Property shall not exceed a density of 170 units per acre.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

**PART 3.** That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.





INTERSECTION HIGHWAY 35  
U.S. HIGHWAY 70 & 01

INTERSTATE HIGHWAY 35

 1" = 200'	SUBJECT TRACT		CASE #: C14-95-0113	CITY GRID REFERENCE NUMBER
	PENDING CASE		SUBJECT AREA (acres): 4.712	
	ZONING BOUNDARY		ADDRESS: N IH 35 SERVICE RD NB & K23	
	CASE MGR:		E. MLK BLVD.	
CYCLE: 95-09		INTLS: MS		

951214-F

EXHIBIT "A"

**ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF CITY OF AUSTIN OUTLOT NO. 43, DIVISION "B", BEING ALL OF THOSE CERTAIN LOTS 3, 4, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, AND 24, FOSTER-LUDLOW & CO. SUBDIVISION (*a subdivision recorded in Book 1, Page 28 of the Plat Records of Travis County, Texas*) AND BEING A PORTION OF THOSE CERTAIN LOTS 5, 6, 7, 8, 16, 17 AND 25 OF SAID FOSTER-LUDLOW & CO. SUBDIVISION, BEING A PORTION OF A 20 FOOT ALLEY AND A PORTION OF NAVASOTA STREET, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A QUIT CLAIM DEED RECORDED IN VOLUME 11884, PAGE 569 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND FOR ZONING PURPOSES ONLY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a Highway Department type monument on the north right-of-way line of East 16th Street at the southwest corner of said Lot 3, for the southwest corner and **PLACE OF BEGINNING** hereof

THENCE with the west line of said Lot 3, North 10 degrees 30 minutes 16 seconds West, a distance of 115.94 feet to an iron rod at the northwest corner of said Lot 3

THENCE through the interior of said Lot 5, North 11 degrees 02 minutes 22 seconds West, a distance of 10.62 feet to a Highway Department type monument on the east right-of-way line of Interstate Highway No. 35

THENCE through the interior of said Lots 5, 6, 7, and 8, and through the interior of said 20 foot alley, and through the interior of said Lots 16 and 17, being said east right-of-way line of Interstate Highway No. 35, the following courses:

1. North 25 degrees 10 minutes 25 seconds East, a distance of 184.97 feet
2. North 25 degrees 53 minutes 31 seconds East, a distance of 39.05 feet
3. North 25 degrees 52 minutes 08 seconds East, a distance of 69.95 feet to a Highway Department type monument for the northwest corner hereof

**EXHIBIT "B"**

Description of 3.44 acres  
for Zoning Purposes Only (*continued*)


May 10, 1996  
Job No. 0919

THENCE through the interior of said Lot 17, through the interior of said Navasota Street, through the interior of said Lot 25, and through the interior of said tract of land described in a Quit Claim Deed recorded in Volume 11884, Page 569, North 79 degrees 08 minutes 17 seconds East, a distance of 293.89 feet to the east line of said tract described in a Quit Claim Deed for the northeast corner hereof

THENCE with said east line, being the apparent west line of that certain Oakwood Cemetery, South 11 degrees 20 minutes 47 seconds East, a distance of 362.58 feet to an iron pipe in the north right-of-way line of said East 16th Street for the southeast corner hereof

THENCE with said north right-of-way line, South 79 degrees 01 minute 35 seconds West, a distance of 471.66 feet to the **PLACE OF BEGINNING** and containing calculated area of 3.44 acres of land, more or less.

I, the undersigned, a Registered Professional Land Surveyor, do hereby state that the above description was calculated and produced from records and using surveys performed by SRI which was furnished by the client. This description in no way purports to be a survey by the undersigned and the use of this description is intended for zoning purposes only and should not be used for any other purpose.

  
Floyd Ward  
Registered Professional Land Surveyor  
No. 3991 - State of Texas

**ACCUTEX SURVEY SYSTEMS, INC.**  
P. O. Box 14672  
Austin, Texas 78761-4672

Telephone: (512) 453-6699

Description of 0.85 acres  
for Zoning Purposes Only

TRACT 2

May 10, 1996  
Job No. 0919

**ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF CITY OF AUSTIN OUTLOT NO. 43, DIVISION "B", AND BEING ALL OF THAT CERTAIN LOT 26, FOSTER-LUDLOW & CO. SUBDIVISION (a subdivision recorded in Book 1, Page 28 of the Plat Records of Travis County, Texas) AND BEING A PORTION OF THAT CERTAIN LOT 25 OF SAID FOSTER-LUDLOW & CO. SUBDIVISION, AND BEING ALL OF THOSE CERTAIN LOTS 7, 8, 9, 10, 11, AND 12 OF DAWSON SUBDIVISION (a subdivision recorded in Book 1, Page 88 of said Plat Record), AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A QUIT CLAIM DEED TO FIRST MADISON BANK, FSB RECORDED IN VOLUME 11884, PAGE 569 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND FOR ZONING PURPOSES ONLY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a point in the south right-of-way line of Martin Luther King Boulevard at the most northerly corner of said First Madison Bank tract, being the apparent northwest corner of Oakwood Cemetery, for the most northerly corner and **PLACE OF BEGINNING** hereof

THENCE with the east line of said First Madison Bank tract, being the apparent west line of said Oakwood Cemetery, the following courses:

1. South 11 degrees 14 minutes 42 seconds East, a distance of 145.07 feet
2. South 11 degrees 42 minutes 31 seconds East, a distance of 112.96 feet
3. South 11 degrees 20 minutes 47 seconds East, a distance of 101.44 feet to the southeast corner hereof

THENCE through the interior of said First Madison Bank tract, through the interior of said Lot 25, South 79 degrees 08 minutes 17 seconds West, a distance of 146.42 feet to an 80d nail for the southwest corner hereof

THENCE with the west line of said Lot 25 and said Lot 26, North 11 degrees 40 minutes 53 seconds West, a distance of 100.37 feet to an iron rod at the northwest corner of said Lot 26

THENCE with the north line of said Lot 26, North 78 degrees 43 minutes 38 seconds East, a distance of 10.93 feet to an iron pipe at the southwest corner of said Lot 7

**EXHIBIT "C"**

951214 F

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Description of 0.85 acres  
for Zoning Purposes Only (continued)

May 10, 1996  
Job No. 0919

THENCE with the west line of said Lots 7, 8, 9, 10, 11, and 12, the following courses:

1. North 8 degrees 56 minutes 22 seconds East, a distance of 121.04 feet to an iron pipe at the northwest corner of said Lot 11, being the southwest corner of said Lot 12
2. North 8 degrees 48 minutes 32 seconds East, a distance of 22.85 feet to an iron pipe

THENCE North 11 degrees 31 minutes 35 seconds West, a distance of 35.15 feet to an iron rod in the east right-of-way line of Interstate Highway No. 35


THENCE with said east right-of-way line, the following courses:

North 25 degrees 56 minutes 24 seconds East, a distance of 73.55 feet to an iron rod

North 43 degrees 23 minutes 02 East, a distance of 31.40 feet to an iron rod

North 43 degrees 23 minutes 02 seconds East, a distance of 19.22 feet to the **PLACE OF BEGINNING** and containing calculated area of 0.85 acre of land, more or less.

I, the undersigned, a Registered Professional Land Surveyor, do hereby state that the above description was calculated and produced from records and using surveys performed by SRI which was furnished by the client. **This description in no way purports to be a survey by the undersigned and the use of this description is intended for zoning purposes only and should not be used for any other purpose.**

  
Floyd Ward  
Registered Professional Land Surveyor  
No. 3991 - State of Texas

**ACCUTEX SURVEY SYSTEMS, INC.**

P. O. Box 14672

Austin, Texas 78761-4672 Telephone: (512) 453-6699



**ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF CITY OF AUSTIN OUTLOT NO. 43, DIVISION "B", AND BEING A PORTION OF THOSE CERTAIN LOTS 17 AND 18 OF FOSTER-LUDLOW & CO. SUBDIVISION (a subdivision recorded in Book 1, Page 28 of the Plat Records of Travis County, Texas), BEING A PORTION OF NAVASOTA STREET, AND BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND DESCRIBED IN DOCUMENTS TO THE TEXAS DEPARTMENT OF TRANSPORTATION RECORDED IN VOLUME 3984, PAGE 374, VOLUME 3985, PAGE 642 AND VOLUME 4024, PAGE 153 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND FOR ZONING PURPOSES ONLY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a Highway Department type monument on the east right-of-way line of Interstate Highway No. 35 at the southwest corner of said tract of land described in Volume 4024, Page 153, for the southwest corner and **PLACE OF BEGINNING** hereof

THENCE along said east right-of-way line of Interstate Highway No. 35, North 26 degrees 16 minutes 46 seconds East, a distance of 339.94 feet to an iron rod at the most northerly corner of said tract of land described in Volume 3985, Page 642 for the most northerly corner hereof

THENCE with an east line of said tract described in Volume 3985, Page 642, South 11 degrees 31 minutes 35 seconds East, a distance of 35.15 feet to an iron pipe

THENCE with an east line of said tract described in Volume 3985, Page 642, being the west line of those certain Lots 12, 11, 10, 9, 8, and 7 of Dawson Subdivision (a subdivision recorded in Book 1, Page 88 of said Plat Records) the following courses:

1. South 8 degrees 48 minutes 32 seconds West, a distance of 22.85 feet to an iron pipe at the southwest corner of said Lot 12, being the northwest corner of said Lot 11
2. South 8 degrees 56 minutes 22 seconds West, a distance of 121.04 feet to an iron pipe in the north line of that certain Lot 26 of said Foster-Ludlow & Co. Subdivision at the southwest corner of said Lot 7

Description of 0.43 acre  
for Zoning Purposes Only (*continued*)

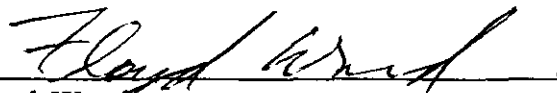
May 10, 1996  
Job No. 0919

THENCE with said north line of lot 26, South 78 degrees 43 minutes 38 seconds West, a distance of 10.93 feet to an iron rod at the northwest corner of said Lot 26

THENCE with the west line of said Lot 26 and that certain Lot 25 of said Foster-Ludlow & Co. Subdivision, being the east line of said Navasota Street, South 11 degrees 40 minutes 53 seconds East, a distance of 100.37 feet to an 80d nail for the southwest corner hereof

THENCE through the interior of said Navasota Street and said Lot 17, South 79 degrees 08 minutes 17 seconds West, a distance of 147.47 feet to the **PLACE OF BEGINNING** and containing a calculated area of 0.43 acre of land, more or less.

I, the undersigned, a Registered Professional Land Surveyor, do hereby state that the above description was calculated and produced from records and using surveys performed by SRI which was furnished by the client. This description in no way purports to be a survey by the undersigned and the use of this description is intended for zoning purposes only and should not be used for any other purpose.

  
Floyd Ward  
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No. 3991 - State of Texas

**ACCUTEX SURVEY SYSTEMS, INC.**

P. O. Box 14672  
Austin, Texas 78761-4672

Telephone: (512) 453-6699

Acct #: 4992499

Austin American-Statesman

Acct. Name: City Clerk

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

David DeVargas

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

Date (s): July 22, 1996

Class: 9980 Lines: 52 Cost: \$127.92

and that the attached is a true copy of said advertisement.



Sharon Janet  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

Sharon Janak  
(Type or Print Name of Notary)

My Commission Expires: 11/10/99